

Federal Crop Insurance Corporation, USDA

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CFR part 423Flax Crop Insurance
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Within limits prescribed by and in accordance with the provisions of the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), only on those crops identified in this section and in those areas where the actuarial table provides that IYCP is available. (IYCP is available only on those crops and in those areas where the Corporation's Actual Production History Program has not been implemented. The Actual Production History form will be used for both programs). All provisions of the applicable standard insurance contract for the crop apply, except those provisions which are in conflict with this subpart. Cropland acreage, which is defined as "new ground acreage" by the actuarial table or by the policy, will not be eligible for IYCP. Crops covered under the provisions of the Combined Crop Insurance policy will not be eligible for IYCP.

§ 400.16 Definitions.

In addition to the definitions contained in the crop insurance contract, the following definitions, for the purposes of Individual Yield Coverage Plan, are applicable:

(a) *Appraised Production* means production that was unharvested but reflected yield potential for the crop at the time of the appraisal. Appraisals will be determined by ASCS or FCIC.

(b) *Area Average Yield* is the average yield determined by FCIC upon which the guarantee is based for the insured crop, area, type, and practice and is the average for the area over the base period. It is contained in the actuarial table.

(c) *Area Coverage Plan* is the coverage and rate assigned by the FCIC Actuarial Division for an homogeneous group of areas and producers.

(d) *Average Yield* is the average of the recorded and/or indexed yields for the 10-year base period, dropping the highest and lowest yield in the 10-year period, including a combination of a min-

imum of the three most recent year's recorded yields.

(e) *Base Period* means the 10-year period immediately preceding the crop year for which the yield is to be established.

(f) *Established Farm Yield* is the yield as shown on the Official Farm Record card (ASCS-156) on file in the county ASCS office.

(g) *FCIC Adjusted Yield* is production information derived by the Statistical Reporting Service on a county, crop, and practice basis modified by FCIC for factors necessary to conform to sound actuarial practices.

(h) *Individual Yield Certification* is the appraised result of the examination of the insured's records of planted acreage and production certified by the county Agricultural Stabilization and Conservation Service (ASCS) office.

(i) *Indexed Yield* means yield established for a year in which recorded (actual) yields are not available. It is determined by multiplying the FCIC adjusted yield, for each crop year (for which records of acreage and production are not available), by the producer's yield index.

(j) *IYCP* is the Individual Yield Coverage Plan.

(k) *ICYP* is the Individual Certified Yield Plan within IYCP. (7 CFR 400.20).

(l) *Recorded Yield* is the yield that is based on the producer's records of planted acreage and production certified by ASCS.

(m) *Yield Index* is the result obtained by dividing the total of the producer's recorded yields for the years FCIC adjusted yields are available by the total FCIC adjusted yields for those same years.

§ 400.17 Yield certification and acceptability.

The insured shall request Form FCIC 19A (APH) (Actual Production History) and shall provide records of acreage and production to ASCS county office. The request and records must be submitted at least 15 days prior to the acreage reporting date for the crop in the county. The ASCS county office will examine the insured's records and, if acceptable, record the actual yield obtained from the records, determine the relationship of such yields to the

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FCIC adjusted yield for the same years, and apply the yield index to the area average yield for those years for which the producer does not have acceptable records.

§ 400.18 Responsibilities.

(a) The insured is solely responsible for the timely submission of Form FCIC 19A (APH) to the service office after its completion by the ASCS office.

(b) The service office is responsible for the explanation of the Individual Yield Coverage Plan (IYCP) to the insured, and upon receipt of Form FCIC 19A (APH) is responsible for determining that the form is completed correctly.

§ 400.19 Qualifications for Individual Yield Coverage Plan.

The Insured may elect to substitute the IYCP Yield for the Area Average Yield.

(a) For the producer to qualify for IYCP for any crop year, the completed Form FCIC 19A (APH) must be received in the crop insurance service office not later than the acreage reporting date for the crop and the year.

(b) For a crop to qualify for IYCP, a minimum of 3 years of records of planted acreage and production, under the control of either the landlord or tenant, must be provided to ASCS for all units and be certified by ASCS. Records for up to 10 continuous years shall be used where such records are available and the same farming practices are followed for that period of time. There can be no break in continuity from the most recent crop year through preceding crop years. A year in which no acreage was planted to the crop on the unit or in which a different practice was followed will not be considered a break in continuity.

(c) Either the landlord's or tenant operator's records may qualify either party for the same IYCP guarantee. If a conflict exists between the records of the landlord and the tenant operator, the Corporation will determine which records will be used.

(d) If an insured wishes to obtain an IYCP yield on land newly added to production for the insured, the insured must comply with the provisions of

7 CFR Ch. IV (1-1-01 Edition)

this paragraph. If the IYCP yield being requested is for an ASCS program crop and if the added land has an ASCS established yield for that crop of 90 percent or more of the ASCS established yield of the unit to which the land is to be added or of the nearest unit then: When land without satisfactory records is added to a unit satisfactory records, the IYCP average yield will be that of the unit to which the land was added; and when land without satisfactory records is added as a separate unit, the IYCP average yield will be that of the closest unit of the same crop and practice. When the ASCS established farm yields for the added land are less than 90 percent of the program yields for the existing units, the IYCP yields will be the area average yield.

(e) When the yield being requested on land being added is for a crop for which the added land does not have an ASCS established farm yield, the ASCS established farm yield for the crop with the largest ASCS base acreage on the added land will be compared to the program yield for the crop on the existing units to determine if the 90-percent ratio is achieved. If the land is being added to a unit and there is no ASCS established farm yield on either the added land or the units or both to compare, the IYCP yield will be the area average yield. If the land is being added as a separate unit, and the nearest unit has no ASCS established farm yield to compare to the added unit, the next nearest unit will be used. If no comparable yields are available on any unit, the yield of the added unit will be the area average yield.

(f) If a producer disposes of his entire operation and begins operation on completely different units, the new units will be compared to the old units in accordance with paragraphs (d) and (e) of this section, for adding new units.

(g) When land is being added but less than 3 continuous years of acceptable records are available, the acceptable production and acreage records will be used for the years they are available and paragraphs (d) and (e) of this section will be used for the years when adequate records are not available.

(h) When participation in IYCP is continuous, ASCS certification under this part for up to 10 years, dropping